

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA,

Plaintiff,

v.

ELI LILLY AND COMPANY,
IMCLONE LLC, and
BRISTOL-MYERS SQUIBB COMPANY,

Defendants.

Civil Action No. 2:15-cv-06133-WB

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
IMPROPER MULTIPLE DEPENDENT CLAIMS 32–40
OF U.S. PATENT NO. 7,625,558**

This matter comes before the Court on Defendants Eli Lilly and Company, ImClone LLC, and Bristol-Myers Squibb's (collectively "Defendants") Motion to Dismiss Improper Multiple Dependent Claims 32–40 of U.S. Patent No. 7,625,558. The Court has reviewed the briefing and arguments relating to the Motion, and the Motion is meritorious and acceptable. Therefore, IT IS ORDERED:

Claims 32 through 40 of U.S. Patent No. 7,625,558 are improper multiple dependent claims and are invalid under 35 U.S.C. § 112 ¶ 5. Plaintiff Trustees of the University of Pennsylvania's Complaint alleging that Defendants infringe or have infringed claims 32 through 40 of U.S. Patent No. 7,625,558 is therefore DISMISSED IN PART.

ORDERED this _____ day of _____.

BY THE COURT:

United States District Court Judge